

**CHARGE OF DISCRIMINATION**

Case 1:13-cv-00539-JRG Document 75-3

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

07/25/14

Agency(ies) Charge No(s):

 FEPA EEOC

12F-2014-00411

**Maryland Commission on Civil Rights**

State or local Agency, if any

and EEOC

Name (indicate Mr., Ms., Mrs.)

**Ms. Kim K. Sumner**

Home Phone (Incl. Area Code)

**(443) 789-7445**

Date of Birth

**10-05-1956**

Street Address

City, State and ZIP Code

**22 Carroll Street, Westminster, MD 21157**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**ST MD, JUD, DISTRICT COURT**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(410) 878-8098**

Street Address

City, State and ZIP Code

**5800 Wabash Avenue, Baltimore, MD 21215**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**01-03-2014****01-03-2014** CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

**AMENDMENT TO COMPLAINT FILED 6/18/14**

Issues: Constructive Discharge

I believe that I was discriminated against due to my race (Caucasian) and retaliated against for opposing a discriminatory activity in the workplace, because:

In November 2011, I filed a complaint of discrimination with the Maryland Commission on Civil Rights (MCCR Charge #1111-0465). Since filing the complaint, I have endured harassment by Ms. Naylor, Division Chief for Borgerding District Court and Mary Abrams, my immediate supervisor, who are both African American. The harassment included their continued interference with my job performance, usurpation of my job functions and scrutinizing my work.

Due to the harassment, on December 21, 2013, I informed Ms. Abrams of my resignation, which was to be effective on January 3, 2014. I believe that I was constructively discharged due to my race and in retaliation for opposing a discriminatory activity in the workplace.

I solemnly affirm under the penalty of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

**MCCR Authorization**

Date

om

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

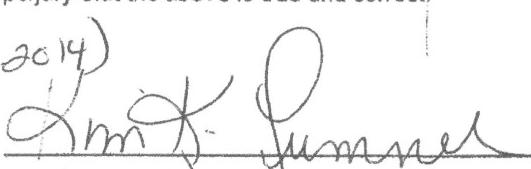
I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANTExhibit 1 to Oppo. Memo  
in response to MD-SJ

Page 1 of 6

SUBSCRIBED AND SWEARN TO BEFORE ME THIS DATE  
(month, day, year)

(6-18-2014)

7-01-2014 

Date

Charging Party Signature

Complainant Procedure Checklist

- \* You have filed a charge of discrimination. You have sworn under oath, that you believe the respondent has discriminated against you on one or more bases of Title 20 of the State Government Article, Annotated Code of Maryland (hereinafter "Title 20"), the civil rights statute of the State of Maryland. The State of Maryland Commission on Civil Rights investigates complaints of discrimination in the areas of employment, housing and public accommodation.
- \* Specifically, charges filed by complainants in the area of employment may claim they have been harmed because of their race, color, gender, religion, disability, age, national origin or ancestry, marital status, sexual orientation, genetic information and/or in retaliation for participating in or protesting a protected activity, (e.g., example complaining about discrimination).
- \* In the area of housing, a discrimination complaint may be filed on the bases of race, color, religion, gender, familial status, national origin, marital status, sexual orientation, disability or genetic information.
- \* Public accommodations charges may be filed on the bases of race, creed, sex, age, color, national origin, marital status, sexual orientation, disability or genetic information.

RE: EXPEDITED PROCESSES

       You have been offered the opportunity to mediate or attend a Fact Finding Conference. You may be required to attend a Fact Finding conference. You understand how the MCCR Expedited Processes work and have accepted /declined participation in Mediation/Fact Finding. The reason is

       You have been informed about the remedies available under Title 20 and applicable federal statutes.

RE: SERVICE

       You understand that the Commission's staff will provide notice of the complaint by serving a copy of the complaint upon the Respondent shortly after the date of filing.

       If the case is not resolved through the Expedited process, and once assigned to an investigative unit, the MCCR will request information from the Respondent prior to assigning the case to an investigator. Because the Respondent frequently requires additional time to respond to the Commission's requests for information, a period of time may elapse prior to you receiving contact

from an investigator.

**RE: CONTACT WITH THE COMMISSION**

\_\_\_\_ You further understand that it is your responsibility to keep the Commission's staff informed of any changes in your address and/or telephone number. It is also your responsibility to provide staff with the name and telephone number of someone who has a telephone number that is different from your own, who will always know how to reach you. You may report changes to the agency at (410) 767-8600 or (800) 637-6247.

\_\_\_\_ You understand that you may amend your charge to add a basis or an issue as long as additional acts which constitute discriminatory practices under Title 20 relate to the subject matter of the original complaint.

\_\_\_\_ You understand that the MCCR will notify you by mail once the complaint has been assigned to an investigative unit. This notice will contain the name and telephone number and e-mail address of the investigative unit's supervisor.

**RE: THE INVESTIGATION**

\_\_\_\_ You understand that the MCCR investigator is a neutral party (not an advocate) assigned to investigate the allegations in order to prepare an impartial finding of fact (a report) in the case.

\_\_\_\_ You understand that during an investigation, evidence that supports or refutes your claim will be gathered and reviewed. The investigator will determine what evidence is needed, and based on legal analysis, whether it is likely that discrimination occurred. The investigator will also interview witnesses, where appropriate, to the alleged act(s) of discrimination. In some cases, the investigator will visit the site where the alleged violation occurred.

\_\_\_\_ If you receive a No Probable Cause decision, you may appeal the decision by writing to the Deputy Director, MCCR, Suite 900, 6 St. Paul Street, Baltimore, Maryland 21202 to request a reconsideration of the decision. You must do so within fifteen (15) days of the date that the decision was mailed. Once your case is reviewed, it will either be returned to the investigator for further investigation or closed by the MCCR. You will be notified, in writing, of that decision.

\_\_\_\_ If you receive a Finding of Probable Cause, (a written report stating MCCR has found evidence to support the allegations of discrimination), the investigator will attempt to conciliate (settle) the matter by determining the appropriate remedies available under the law and preparing a Conciliation Agreement for the parties' signatures. If the Respondent fails to conciliate the matter, the case is then recommended for public hearing.

**RE: DISABILITY ISSUES**

       You have signed a release of information to permit the MCCR to obtain medical records relative to your claim.

       You understand that it is your responsibility to request of an employer a reasonable accommodation if you need one to be able to perform the essential functions of the job.

       You understand the concept of a reasonable accommodation.

**RE: POSSIBLE OUTCOMES**

       You understand that, if the case is not resolved or withdrawn by you, the results of the staff's investigation will be set forth in a written report which will chronicle the facts found to exist and the conclusions drawn. The findings will be sent to all parties to the complaint. The Commission's staff will determine whether, based on the totality of factual circumstances known at the time of the decision, probable cause or no probable cause exists to believe that a discriminatory act has occurred. It is difficult to give an exact time when the investigation of a complaint will be concluded as the complexity of cases varies.

       You understand that at any time before the issuance of a written finding of fact, the parties may enter into a negotiated settlement, that will result in a written agreement setting forth the terms of the settlement and the withdrawal of the complaint.

       You understand that you may withdraw your complaint at any time and you must do so in writing.

       You understand that the Commission may administratively close your case under circumstances which may include the absence of information that establishes your whereabouts, the determination that statutory requisites have not been met or your failure to cooperate with the requests of Commission staff.

       You understand that upon receipt of a No Probable Cause Written Finding pertaining to an employment charge filed under the Title VII, ADEA or ADA federal statutes, or an appeal thereof, you may request that the Equal Employment Opportunity Commission (EEOC) perform a "substantial weight review" of your case. You may exercise this right of review if you are not satisfied that the Maryland Commission on Civil Rights (MCCR) has thoroughly investigated the case. You must file this written request for review with the EEOC within fifteen (15) days of receipt of the finding.

       You understand that you may request a "Notice of Right to Sue" letter from the EEOC no sooner than six months after your charge was filed. The "Notice of Right to Sue" will enable you

# State of Maryland Commission on Civil Rights



## Officers

Cleveland L. Horton II, Acting Executive Director  
Nicolette Young, Assistant Director  
Glendora C. Hughes, General Counsel

Governor  
Martin O'Malley  
Chairperson  
Shawn M. Wright, Esq.  
Vice-Chairperson  
Robert L. Daum, Esq.  
Commissioners  
Laura M. Esquivel  
Norman E. Colman  
Rabbi Benjamin Marwick  
Gary Norman, Esq.  
Naima Said, Esq.  
Gina McKnight-Smith, Pharm.D., MBA

## MEDIATION AND/OR FACT FINDING CONSENT FORM

### Check One:

Mediation:  Yes  No

(Mediation is a process in which two neutral third persons, volunteer mediators who are not employees of MCCR, facilitate communication between disputing parties to try assisting them in reaching a resolution)

Or

Fact Finding Conference:  Yes  No

(Fact Finding is an investigative process conducted by an investigator, employed by MCCR, intended to further define the issues in an effort to determine what is undisputable, clarify disputed issues and determine what other evidence is needed to reach a resolution or issue a written determination.)

The Maryland Commission on Civil Rights Mediation and Fact Finding processes has been explained to me, and I agree to participate in the process I have selected.

I understand that if an agreement is reached in mediation and/or fact finding it will be put in writing, signed by all participants, and the case will be closed.

While this is a voluntary process, due to the extensive commitment of resources, personnel, and time involved in scheduling mediations and/or fact findings, my failure to attend or to provide at least 48 hours of prior notification of my failure to attend the scheduled mediation and/or fact finding session may result in the administrative closure of my case.

Complainant Signature X

Karen K. Summers

Date X 6-30-2014 (6-18-2014)

MAIN OFFICE  
William Donald Schaefer Tower  
6 Saint Paul Street, Suite 900  
Baltimore, Maryland 21202-1631  
410-767-8600 • 1-800-637-6247  
Fax 410-333-1841 • TTY 410-333-1737

SALISBURY OFFICE  
Salisbury District Court  
Multi-Purpose Center  
261 Baptist Street, Suite 33  
Salisbury, Maryland 21801  
410-713-3611 • 410-713-3614 Fax

EASTON OFFICE  
Talbot County Career Center  
301 Bay Street, Suite 301  
Easton, Maryland 21601  
410-822-3030 x345  
410-829-8966 Fax

LEONARDTOWN OFFICE  
Joseph H. Carter Center  
13116 Leonard Hall Drive #C  
Leonardtown, Maryland 20650  
301-880-2740 • 301-880-2741 Fax

AGERSTOWN OFFICE  
Postmark Plaza  
13116 Leonard Hall Drive #C  
Hagerstown, Maryland 21740  
301-777-4522  
E-mail Address: [opptd@mdcr.maryland.gov](mailto:opptd@mdcr.maryland.gov)

to take your case directly to federal court. You may obtain the "Notice of Right to Sue" by writing:

Pinkey Lucas  
State and Local Investigator  
Philadelphia District Office  
801 Market Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19107

Once approved, the EEOC will issue you a "Notice of Right to Sue" letter. You then have ninety days to file in court and it is highly recommended that you obtain legal counsel to assist you.

The foregoing procedures are by no means exhaustive, but reflect answers to the questions Complainants ask most frequently.

[Case Name] Kim SUMNER vs. ST NO. JUD. Court

[Case No.] JEF-0014-00411 (6-18-2014)

Signature X Kim Sumner Date X 06-30-2014

Page 4 of 4

1:13-cv-00539-JRG:  
Exhibit 1 to Oppo. Memo  
in response to MD-SJ  
Page 6 of 6